



**FILED**

07-24-06  
01:33 PM

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the State of California,  
Department of Transportation, for authority to  
remove and reconstruct an overhead grade  
separation of Fifth Street, CPUC Crossing No.  
002-80.75-A, DOT No. 026114M, within the City  
of San Bernardino, County of San Bernardino,  
California, over the tracks owned by the BNSF  
Railway known as Cajon Subdivision.

Application 06-02-021  
(Filed February 23, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING ON PROTESTANT BNSF  
RAILWAY COMPANY'S MOTION FOR LEAVE TO WITHDRAW PROTEST**

Protestant BNSF has withdrawn its protest in this matter, subject to a grant  
of leave to do so from the Administrative Law Judge. BNSF is the only  
protestant in this matter. No evidentiary hearing has been held.

Therefore **IT IS RULED** that:

1. Protestant BNSF's motion for leave to withdraw its protest is granted, and  
withdrawal of its protest is effective as of this date.
2. This matter is remanded to Examiner Richard Clark for further disposition.

Dated July 24, 2006, at San Francisco, California.

/s/ VICTOR D. RYERSON

Victor D. Ryerson  
Administrative Law Judge

### **INFORMATION REGARDING SERVICE**

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated July 24, 2006, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

### **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

Last Update on 25-MAY-2006 by: LIL  
A0602021 LIST

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